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**Cc:** David\_Nawi@ios.doi.gov[David\_Nawi@ios.doi.gov]  
**From:** "Nepstad, Michael G SPK"  
**Sent:** Thur 6/16/2011 6:23:15 PM  
**Subject:** comment on Applicant status from todays meeting  
[smime.p7s](#)

Just to clarify, during the meeting this morning, Paul asked Reclamation if Reclamation was going to be an applicant and Reclamation said no.

Reclamation's answer might be correct, but the missing of minds was that Paul was asking if Reclamation was going to be an applicant for a Corps permit under Clean Water Act and Rivers and Harbors Act of 1899 for the project or projects of the BDCP program which were going to use the EIS/EIR as the means of NEPA compliance for our decisions (and which are the purpose of the MOU); while Reclamation's answer was that the Reclamation was not going to be an applicant for a permit for the BDCP Program under Section 10 of the Endangered Species Act.

The confusion between these types of permits, of program verses project, and the ease in which the comments slipped by without notice is a good indication of the steep uphill climb we all face.

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